

EXECUTIVE ORDER NUMBER SEVENTY-TWO

- WHEREAS, when adopting regulations to protect the health, safety and welfare of the people of the State of Iowa, state agencies should seek to achieve statutory goals as effectively and efficiently as possible without imposing unnecessary burdens that reduce jobs and hurt job growth; and
- WHEREAS, the federal government should also take into account the impact of their regulations on the states; and
- WHEREAS, the federal government, through the Environmental Protection Agency (“EPA”), recently adopted a new National Emission Standards for Hazardous Air Pollutants (“NESHAP”) Reciprocating Internal Combustion Engine (“RICE”) standard that imposes unnecessary and crippling costs on small Iowa municipal utilities; and
- WHEREAS, some Iowa municipal utilities have found that the unnecessary, increased regulatory burden could cost their consumers, on average, hundreds of dollars each year; and
- WHEREAS, the NESHAP RICE standards may make it cost prohibitive for some utilities to maintain and operate emergency engines, jeopardizing the security of the national power grid; and
- WHEREAS, in response to widespread concerns that the EPA regulations are unworkable, the EPA has reopened the RICE NESHAP rulemaking to consider how to accommodate emergency engines and provide greater flexibility; and
- WHEREAS, according to Iowa Code Chapter 17A, the Iowa Administrative Procedure Act the governor may rescind an adopted rule by executive order within seventy days of the rule becoming effective; and
- WHEREAS, on February 2, 2011 the Iowa administrative rule implementing the federal standard for RICE NEHSAP went into effect; and
- WHEREAS, it is in the best interests of the state of Iowa to rescind the Iowa rule implementing the federal RICE NESHAP standard for emergency engines because the federal RICE NESHAP standard for requirements for existing stationary diesel engines is likely to change.

NOW, THEREFORE, I, Terry E. Branstad, Governor of the State of Iowa, declare that the regulatory burden imposed by the RICE NESHAP rule hurts the interests of people of the State of Iowa. I hereby order and direct that ARC 9154, Item 4, the state administrative rules implementing the RICE NESHAP standard for emergency engines, be immediately rescinded pursuant the authority granted to me by Iowa Code Chapter 17A.4(8) .

IN TESTIMONY WHEREOF, I have
hereunto subscribed my name and caused
the Great Seal of Iowa to be affixed. Done
at Des Moines this 4th day of April in the
year of our Lord two thousand eleven.

TERRY E. BRANSTAD
GOVERNOR

ATTEST:

MATTHEW SCHULTZ
SECRETARY OF STATE